

MEMORANDUM

**TO: Village President and Board of Trustees
Bob Irvin, Village Administrator**

FROM: James A. Rhodes, Village Attorney

DATE: November 12, 2019

RE: Amendments to Chapter 12, Animal Regulations

During the Zoning, Planning and Appeals Commission (ZPA) review of the proposed revisions to the zoning ordinance, the ZPA determined that most municipalities maintain all regulations pertaining to the keeping of animals within an animal regulation ordinance rather than within the zoning ordinance. The ZPA thus recommended to the President and Board of Trustees that provisions from the zoning code relating to the keeping of animals within the Village should be removed and placed with Chapter 12, Animal Regulations.

The attached ordinance transfers those provisions of the zoning code pertaining to animals to Chapter 12. In addition, since the current regulations set forth in Chapter 12 have not been reviewed or updated since 1997, the attached ordinance updates the current animal regulations and clarifies certain regulations. The recommended amendments are as follows:

12.101 A number of revisions have been suggested with respect to definitions.

Animal Shelter is currently defined as a facility operated by the Village, but the Village maintains no facility for the temporary care of animals. This definition has been revised to include facilities operated by an animal welfare society, veterinarian or nonprofit organization.

Apiary has been defined. The ZPA determined that while a number of properties within the Village keep bees, the Village has no standards for beekeeping. The ZPA recommends that the Village Board should adopt standards for beekeeping which are contained in a subsequent section. .

The term *Cat* has been defined. The current animal regulations do not contain any definition.

Dog has been defined. The current animal regulations do not contain any definition.

The term *Domestic Animal* has been redefined. The proposed definition is more in line with other municipal animal regulations.

Exotic Animal. The current ordinance sets forth a laundry list of animals that are considered exotic. Most animal ordinances use the term "wild animal" to defined animals that generally may constitute a danger to human life or property or are accepted as being incapable as being domesticated and are typically found in the wild.

Farm Animal has been defined as being animals of the fowl, ovine, caprine, bovine, porcine, camelid, cervidae and equine species. These species are generally accepted to be farm animals.

Public Nuisance Animal has been defined as including animals that bite a person or another animal.

Vicious Animal has been defined as including animals kept for the purpose of animal fights. It also includes a provision that an animal shall not be determined vicious if the animal exhibited vicious behavior because of teasing, torment, abuse, assault or when a trespass of the property upon which the animal is located occurred.

12.103 Keeping and feeding of wild animals.

The current code allows the village board to give permission to own or keep an "exotic animal". There are no standards upon which the village board would make its decision. This section has been revised to make it unlawful to keep, harbor or own any wild animal within the Village.

12.104 Keeping of Farm Animals.

The current zoning code contains a definition of agricultural uses which excludes the raising and feeding of livestock and poultry and therefore such uses are prohibited. Notwithstanding that fact, there has been confusion as to what animals may be kept within the village. The proposed ordinance prohibits the keeping of all farm animals except as provided in Sections 12.105 (Horses) or 12.106 (Chickens). All other farm animals including: fowl, ovine (sheep), bovine (cows), caprine (goats), porcine (pigs), camelid (camels, llamas, alpacas), cervidae (deer, elk, moose) and equine (donkeys, zebras) are prohibited.

12.105 Keeping of horses.

The current allowance for the keeping of horses within the village has been transferred from the zoning code. By moving the regulations regarding keeping of horses to the animal regulations, the regulation of horses will not longer be through the Village's zoning power but through its police power. As a police power regulation, no variations may be granted from these regulations. Horses may continue to be kept within the village on residential property with a minimum lot size of 80,000 sq. feet. The maximum number of horses remains as 5, with one horse allowed for each 40,000 sq feet of land. The regulations pertaining to the method of keeping horses have been transferred from the zoning code to this section, with the following additions: Stables must contain and least one fire extinguisher; manure can no longer be spread on the lot that the stable is located and must be removed at least weekly; and public boarding of horses is prohibited. These additions were recommended amendments from the ZPA's prior zoning ordinance amendments (17-TA-1)

12.106 Keeping of Chickens

The regulations previously adopted by the Board remain the same.

12.107 Apiaries

A new provision has been added for beekeeping. Under these provisions, beekeeping is allowed only upon developed residential property. The apiaries must be maintained in the rear yard and a maximum of 6 hives can be maintained.

12.110 Cruelty to Animals

The provisions regarding cruelty to animals has been expanded to include conducting animal fights, dying or coloring any animal and keeping an animal in a container without sufficient light, food water or ventilation.

12.111 Hunting and trapping prohibited.

It is recommended that hunting and trapping be prohibited within the village. This section would not include the trapping or extermination of pests.

12.113 Number of Dogs and Cats Allowed.

The current ordinance allowing up to a combination of 15 dogs and cats or a number based upon the total square footage of the residential lot has been maintained. The ZPA did, however, discuss a reduction in this number but felt it was beyond its authority to make any recommendation in that regard.

12.114 Rabies Vaccination

It is proposed that the village require that all dogs and cats four months of age or older be vaccinated for rabies.

12.116 Vicious or dangerous animals.

The current ordinance allows an owner to maintain a vicious or dangerous animal within the village if muzzled and restrained by a chain having a tensile strength of at least 300 pounds and not more than 3 feet in length or be caged. It is recommended that this provision be eliminated and that all vicious and dangerous animals be prohibited within the Village.

12.119 Animal Bites

Most municipal ordinances contain provisions that deal with animal bites. It is recommended that the Village adopt such provisions.

12.120 Impoundment

The current ordinance allows the Board of Trustees to determine when an animal should be impounded. Typically, the need to impound an animal is immediate and cannot wait until the Board convenes to make such determination. It is recommended that this provision be eliminated. Impoundment would be handled by the Village through its staff.

12.121 Notice to owner and redemption

The current ordinance requires the Village Board to provide notice of impoundment. It is recommended that this section be revised to indicate that the village will provide notification. The maximum cost of \$50/day for impoundment has also be revised to the cost that the facility charges for impoundment.

12.122 Appeals

The current ordinance allows an appeal of impoundment to the Village Board. It is recommended that this provision be revised to indicate that an appeal may be filed with the village. This allows the village the flexibility of having an individual appointed to serve as a hearing officer for the appeal.

12.124 Violations and penalties

The current ordinance requires a fine of \$500 and has not been updated for over 20 years. It is recommended that the minimum fine be \$500 and the maximum fine be set at \$1,500.00.

I will be happy to answer any questions the Village Board may have.

